

# House Study Bill 32 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON BALTIMORE)

## A BILL FOR

1 An Act relating to the penalties for the criminal offense of  
2 sexual exploitation of a minor by the purchase or possession  
3 of child pornography.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 728.12, subsection 3, unnumbered  
2 paragraph 1, Code 2013, is amended to read as follows:

3 It shall be unlawful to knowingly purchase or possess a  
4 visual depiction of a minor engaging in a prohibited sexual  
5 act or the simulation of a prohibited sexual act. A visual  
6 depiction containing pictorial representations of different  
7 minors shall be prosecuted and punished as separate offenses  
8 for each pictorial representation of a different minor in the  
9 visual depiction. However, violations of this subsection  
10 involving multiple visual depictions of the same minor shall  
11 be prosecuted and punished as one offense. A person who  
12 commits a violation of this subsection commits ~~an aggravated~~  
13 ~~misdemeanor~~ a class "D" felony for a first offense and a  
14 class "~~D~~" "C" felony for a second or subsequent offense. For  
15 purposes of this subsection, an offense is considered a second  
16 or subsequent offense if, prior to the person's having been  
17 convicted under this subsection, any of the following apply:

18 EXPLANATION

19 This bill relates to the penalties for the criminal offense  
20 of sexual exploitation of a minor by the purchase or possession  
21 of child pornography.

22 The bill increases the criminal penalty for knowingly  
23 purchasing or possessing a visual depiction of a minor engaged  
24 in a prohibited sexual or simulated sexual act. For a first  
25 offense violation, the bill increases the criminal penalty  
26 from an aggravated misdemeanor to a class "D" felony. For a  
27 second or subsequent violation, the bill increases the criminal  
28 penalty from a class "D" felony to a class "C" felony.

29 Under the bill, by increasing the criminal penalty from a  
30 class "D" felony to a class "C" felony, a person convicted  
31 of a second or subsequent offense of sexual exploitation  
32 of a minor in violation of Code section 728.12(3) is also  
33 required to serve a special sentence for the rest of the  
34 person's life under Code section 903B.1. Current law requires  
35 a person convicted of a first or subsequent offense of sexual

1 exploitation of a minor in violation of Code section 728.12(3)  
2 to serve a 10-year special sentence under Code section 903B.2.

3 A person serving a special sentence is required to register  
4 as a sex offender for a period equal to the term of the special  
5 sentence, but in no case shall the person register as a sex  
6 offender for less than 10 years pursuant to Code section  
7 692A.106(2).

8 An aggravated misdemeanor is punishable by confinement for  
9 no more than two years and a fine of at least \$625 but not more  
10 than \$6,250. A class "D" felony is punishable by confinement  
11 for no more than five years and a fine of at least \$750 but  
12 not more than \$7,500. A class "C" felony is punishable by  
13 confinement for no more than 10 years and a fine of at least  
14 \$1,000 but not more than \$10,000.